

REMARKS/ARGUMENTS

In the specification, Applicants have amended paragraph [0022] to correct a minor clerical error.

Claims 1, 22 and 25-27 have been cancelled. Claims 2-4 and 7-20 have been amended. Claims 28 and 29 have been added. Thus, claims 2-21, 23, 24, 28 and 29 are pending in this application.

The examiner has acknowledged that original claims 4-6 and 18 are directed to allowable subject matter. Accordingly, claim 4 has been rewritten in independent form to include all of the limitations of base claim 1 which has now been cancelled. Claims 2, 3 and 7-10 have been amended to depend from allowable claim 4.

Claim Objections

Claim 11 has been objected to by the Examiner. Applicants submit that the Examiner's confusion is due to Applicants' clerical error. Applicants respectfully submit that the recited phrase "border elements" should be "border structures". Accordingly, Applicants have amended claim 11 by changing the word "elements" to "structures". Applicants respectfully request that the objection to claim 11 be withdrawn.

35 U.S.C. §102 Rejections

Claims 1-3, 7, 8 and 10 were rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 1,997,605 to Strom et al.

Applicants respectfully assert that this rejection is moot as claim 1 has been cancelled and claims 2, 3, 7, 8 and 10 have been amended to depend from allowable claim 4. Accordingly, Applicants request that the 102(b) rejection based on Strom et al. be withdrawn.

Claims 11-14 and 19 were rejected under 35 U.S.C. §102(b) as being anticipated by Neff.

Applicants note that “Neff” is not U.S. Patent No. 1,997,605 as stated by the Examiner in the Official Action. Upon review of the “Notice of References Cited” document, Applicants note there are two U.S. Patents listed in which Neff is the inventor, namely U.S. Patent No. 5,619,833 (‘833) and No. 5,979,134 (‘134) which is a divisional of the ‘833 reference. Clarification is respectfully requested.

In the interest of moving forward prosecution of the application, Applicants will assume that the Examiner intended to refer to either Neff ‘833 or Neff ‘134. Please note that in this response, Applicants will use “Neff” to refer to both the ‘833 and ‘134 patents.

On page 3 of the Official Action, the Examiner asserts that Neff describes “each border structure being secured to at least one of the plurality of suspension elements (by 10)”. Applicants note that reference numeral 10 is used by Neff to identify the suspended, i.e. drop, ceiling system in total. (See Neff ‘833 beginning at column 4, line 29). Using the reference numerals cited by the Examiner in light of Neff, the rejection reads that Neff’s trim member 16 is secured to a wire 80 by the suspended ceiling system

10. Applicants respectfully submit that securing components of a ceiling system to each other by the ceiling system itself is impossible.

Applicants also wish to point out that claim 11, as amended, is distinguishable from Neff. Specifically, claim 11 requires a “horizontal suspension element”. (Emphasis added). In contrast, Neff’s hanger wire 80, which the Examiner equates to Applicants’ claimed suspension element, is clearly positioned vertically.

Further, amended claim 11 also requires that the border structure be “supported by the suspension element.” (Emphasis Added). Applicants note that the Examiner has identified Neff’s wall trim members 16 as Applicants’ border structure and appears to suggest that the border structure is secured to the suspension element. Though it is at best arguable that Neff’s wall trim member is secured indirectly to his suspension element, i.e. wire 80, Applicants respectfully submit that Neff in no way describes or suggests that the wall trim members 16 are “supported by” the wire, as required by claim 11.

By way of illustration, Neff shows in Figure 1 that the wall trim elements 16 are themselves secured to the walls of the room by fasteners 22. (See also column 7, lines 27-57). Not only are the trim elements secured to the walls, they are also supported by the walls of the room. In contrast, claim 11 requires that the border structures be “supported” by the suspension elements. By way of further illustration, as shown in Applicants’ Figure 6, in an island, or floating, ceiling system, the hangers 120 secure the border structures 420 to the suspension elements 100. Thus, the border structure 420 is supported by the suspension element 100 which way or may not be attached to a wall. Neff clearly requires that the border structures be attached to and supported by a wall.

For the above reasons, Neff fails to describe or suggest every element of claim 11, and thus, Applicants respectfully submit that claim 11, and all claims which depend therefrom, should be found allowable. Applicants request that the 102 (b) rejection based on Neff be withdrawn.

Applicants also note that claim 12, as amended, is distinguishable from Neff. Claim 12, as amended, requires that “a first horizontal surface member [is] secured in a slot in the hanger.” In contrast, as described beginning at column 4, line 60, Neff’s horizontal portion 30 is “adapted to receive and support thereon edges 34 of tiles 14 as well as other structural elements.” Neff does not describe or suggest positioning horizontal portion 30 in a slot in clip 68.

Additionally, Figure 1 of Neff clearly shows the border panel being positioned above both horizontal portion 30 and lower molded end 40. In contrast, claim 12, as amended, specifically requires that “the border panel [be] positioned in the border structure between the first and second horizontal surface members.” (Emphasis Added).

For these reasons, claim 12 should be found allowable.

Furthermore, Applicants respectfully disagree with the Examiner’s assertion that element 76 of Neff is a plug-in clip as required by claim 13. As described by Neff at column 6, lines 22-27, element 76 is an “arched member” which defines an aperture between the arched member and the horizontal surface portion of the clip. This arched member is not a plug-in clip. For this reason claim 13 should be found allowable.

Claims 20, 21 and 25-27 were rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,937,605 to Wendt.

Applicants have amended claim 20 to recite that “the first vertical section extends in a plane offset from the second vertical section.” Support for this limitation is shown in Figure 4. Applicants note that by offsetting the vertical sections which connect the horizontal surfaces, the border structure provides the appearance of a step molding. Applicants respectfully submit that Wendt does not describe or suggest a configuration in which two vertical sections are offset from one another.

As a result, Wendt fails to describe or suggest every element of claim 20, and thus, Applicants respectfully submit that claim 20, and all claims which depend therefrom, should be found allowable. Applicants request that the 102 (b) rejection based on Wendt be withdrawn.

35 U.S.C. §103 Rejections

Claim 8 was rejected under 35 USC § 103(a) as being unpatentable over Strom et al.

Claims 15-17 were rejected under 35 USC § 103(a) as being unpatentable over Neff.

Claims 22-24 were rejected under 35 USC § 103(a) as being unpatentable over Wendt.

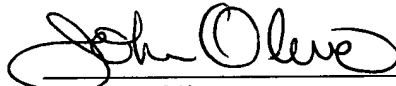
Applicants submit that the above-identified 103(a) rejections are moot in view of the amendments to the independent claims. As discussed above, the cited references do

not teach or suggest all the claim limitations of the independent claims from which the rejected claims depend, and, therefore, these dependent claims should be found allowable. Applicants respectfully request that the 103(a) rejections be withdrawn.

In view of the above, Applicants respectfully request that the Examiner reconsider the claims as amended. It is also requested that the Examiner contact Applicants' undersigned representative at the telephone number listed below should this response not be deemed to place the application in consideration for allowance.

Respectfully submitted,

1/6/05
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